



April 23, 2013

Mr. Rone Tempest  
WyoFile.com  
16 Sacajawea Avenue  
Lander, WY 82520

## Re: Freedom of Information Act (FOIA) Request

Dear Mr. Tempest:

This is in response to your FOIA request regarding a grant made to the North American Power Group (NAPG), the Two Elk Energy Park Carbon Site Characterization Study. You asked specifically for updates to information regarding NAPG and Two Elk Generation Partners in applying for American Recovery and Reinvestment Act (ARRA) funding for the analysis of carbon sequestration in Wyoming.

The information you are requesting is not available at this time pursuant to Exemption 7(a) of the FOIA. Exemption (7)(a) provides for the withholding of a law enforcement record that, if disclosed, would reasonably be expected to interfere with enforcement proceedings. This exemption protects an active investigation due to interference from premature disclosure.

**Appeal Rights**

As the FOIA Authorizing/Denying Official for the National Energy Technology Laboratory, I am responsible for making the above determination with regard to your request.

DOE's regulations provide that a denial of records, in whole or in part, may be appealed to DOE's Office of Hearings and Appeals by writing to the Director of the Office of Hearings and Appeals, HG-1, Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585, within 30 days of receipt of this letter. Both the envelope and letter must be clearly marked "Freedom of Information Appeal." Additional requirements of an appeal are set forth in 10 CFR § 1004.8(b). Judicial review is available if the appeal results in an adverse determination in the district in which you reside or have a principal place of business; in the district where the records are situated; or in the District of Columbia.

If additional information is needed, please feel free to call Ann Dunlap, NETL's FOIA Officer, at (412) 386-6167 or at [ann.dunlap@netl.doe.gov](mailto:ann.dunlap@netl.doe.gov).

Sincerely,

R. Paul Detwiler  
Chief Counsel  
Authorizing/Denying Official